

# House Study Bill 183 - Introduced

HOUSE FILE \_\_\_\_\_

BY (PROPOSED COMMITTEE ON  
GOVERNMENT OVERSIGHT BILL  
BY CHAIRPERSON KAUFMANN)

## A BILL FOR

1 An Act relating to requirements for acquiring agencies prior  
2 to initiating condemnation proceedings and including  
3 applicability provisions.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 6B.2C, Code 2015, is amended to read as  
2 follows:

3 **6B.2C Approval of the public improvement.**

4 The authority to condemn is not conferred, and the  
5 condemnation proceedings shall not commence, unless the  
6 governing body for the acquiring agency approves the use of  
7 condemnation, acquires all necessary permits that can be  
8 acquired prior to the commencement of condemnation proceedings  
9 and files applications for all necessary permits that can  
10 be applied for prior to the commencement of condemnation  
11 proceedings, and there is a reasonable expectation the  
12 applicant will be able to achieve its public purpose, comply  
13 with all applicable standards, and obtain the necessary permits  
14 not already acquired by the acquiring agency.

15 Sec. 2. APPLICABILITY. This Act applies to applications for  
16 condemnation pursuant to section 6B.3 filed on or after July  
17 1, 2015.

18 EXPLANATION

19 The inclusion of this explanation does not constitute agreement with  
20 the explanation's substance by the members of the general assembly.

21 Current Code section 6B.2C provides that the authority  
22 to condemn is not conferred upon an acquiring agency, and  
23 the condemnation proceedings shall not commence, unless the  
24 governing body for the acquiring agency approves the use  
25 of condemnation and there is a reasonable expectation the  
26 applicant will be able to achieve its public purpose, comply  
27 with all applicable standards, and obtain the necessary  
28 permits.

29 This bill modifies the portion of that provision relating  
30 to permits by requiring the acquiring agency to acquire  
31 all necessary permits that can be acquired prior to the  
32 commencement of condemnation proceedings and file applications  
33 for all necessary permits that can be applied for prior to the  
34 commencement of condemnation proceedings.

35 The bill applies to applications for condemnation filed on

H.F. \_\_\_\_\_

1 or after July 1, 2015.